

PATENT *AFJ*
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: HARALD VATER ET AL
SERIAL NO.: 09/763,621
FILED: April 26, 2001
FOR: ACCESS-PROTECTED DATA CARRIER

GROUP ART UNIT: 2134
EXAMINER: C. Colin
ATTY. REFERENCE: VATE3002/BEU

COMMISSIONER OF PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The below identified communication(s) or document(s) is(are) submitted in the above application or proceeding:

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| | <input checked="" type="checkbox"/> Appellant's Reply Brief (in triplicate) |

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☐ Small Entity Status is claimed.

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DATE: January 16, 2007

Respectfully submitted,


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Registration Number: 33,805



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application of:)	<u>Group Art Unit:</u> 2134
)	
Harald VATER <i>et al.</i>)	<u>Examiner:</u> C. Colin
)	
Serial Number: 09/763,621)	<u>Attorney Docket:</u> VATE3002beu
)	
Filed: April 26, 2001)	<u>Confirmation No.:</u> 8124

For: Access-Protected Data Carrier

APPELLANT'S REPLY BRIEF UNDER 37 CFR 41.41

Honorable Commissioner For Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

Sir:

This paper is a Reply Brief in furtherance of the Notice of Appeal filed in this case on February 2, 2006, and is responsive to the Examiner's Answer dated November 13, 2006, which was in reply to the Appeal Brief filed in this case on August 17, 2006.

The Examiner makes essentially two arguments in response to the arguments raised in the Appeal Brief:

- a. The Examiner argues that disguising an operation is no different than disguising input data, as taught by Kocher, because Fig. 3B of the present application show manipulating only the input data (paragraph bridging pages 4 and 5); and
- b. The Examiner argues that the claims do not recite a different operation being applied to different input data (lines 6-10 on page 5).

In reply to the first argument, the Appellant respectfully submits that the Examiner has misunderstood Fig. 3B. Fig. 3B shows the step of finding a disguised function h_{R1} that, when

applied to disguised data, gives the same result as applying original function h to original data. The original data shown in Fig. 3A is 00, 01, 10, and 11, and the result of applying h is 01, 11, 10, 00. The disguised data shown in Fig. 3B is 11, 10, 01, 00. The result of applying h_{R1} to 11, 10, 01, 00 is the same as the result of applying h to 00, 01, 10, 11, and therefore h_{R1} can be used as the disguised operation. However, the inputs to h shown in Fig. 3A are not the same as the inputs to h_{R1} shown in Fig. 3B. Instead, both the table of Fig. 3B, which implements the function, and the inputs to the table (11, 10, 01, 00) are disguised. In other words, the first lines of the respective tables of Figs. 3A and 3B are not the same. The Kocher patent does not disclose a disguised function corresponding to the table of Fig. 3B which gives the same result as the original function corresponding to the table of Fig. 3A, for *different* data. Therefore, the Examiner's argument that Fig. 3B merely shows what is taught by Kocher is without merit.

In reply to the argument concerning failure to claim a different operation applied to different input data (which happens to be exactly what is shown in Figs. 3A and 3B), the Appellant respectfully notes that what was actually argued was *"Because the Kocher publication does not disclose or suggest disguising both input data and an operation performed on the input data, resulting in a different operation being applied to the different input data, it is respectfully submitted that the Kocher publication does not anticipate or suggest the claimed invention."* See the paragraph bridging pages 10 and 11 of the Appeal Brief. It is clear from this passage that Applicant is in fact arguing that Kocher does not disclose the claimed disguised operation, in addition to a disguised input, and that the word "different" was merely used in a failed attempt at providing further explanation for the Examiner.

IV CONCLUSION

For all the foregoing reasons, as well as the reasons stated in the Appeal Brief, Appellants respectfully submit that the Examiner's final rejections of claims 3 under 35 USC 103(a) are improper and should be reversed by this Honorable Board.

Respectfully submitted,

BACON & THOMAS, PLLC

A handwritten signature in black ink, appearing to read 'B. Urcia', with a long horizontal flourish extending to the right.

By: BENJAMIN E. URCIA
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Date: January 16, 2007

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